

FLATHEAD WATER COMPACT TIMELINE

YEAR	POLITICAL "LEADERSHIP"			US GOVT/CONGRESS	FIPP	KERR DAM	COURTS	MT / LEGISLATURE	COMPACT ACTIVITY	UMB ACTIVITY
	Governor	Attorney General	DNRC / Com Com							
1855				<p>Between 09/1853 and 12/1855 10 "Stevens Treaties" were negotiated w Pacific NW Tribes:</p> <p>1854 Nisqualli, Puyallup, etc. 1855 Dwamish, Suquamish 1855 S'Klallam 1855 Makah 1855 Wallawalla, Cayuse, etc. 1855 Yakima 1855 Nez Perce 1855 Quinaiaelt, etc. 1855 Flatheads 1855 Blackfeet, this treaty did not discuss fishing rights.</p> <p>07/1855 Tribal leaders and U.S. officials signed Hell Gate Treaty</p> <p>10/1855 Lame Bull/Judith River Treaty with "Blackfoot Nation" (Piegan, Blood, Blackfoot and Gros Ventre) and the CSKT</p>						
1856				<p>04/1856 Lame Bull / Judith River Treaty ratified by U.S. Senate and signed by President</p>						
1859				<p>Hell Gate Treaty of 1855 was ratified by U.S. Senate and signed by the President</p>						
1887	<p>Joseph Toole 1889-1893</p> <p>John Rickards 1897-1897</p> <p>Robert Burns 1897-1901</p>	<p>Henri Haskill 1889-1897</p> <p>CB Nolan 1897-1901</p> <p>J Donovan 1901-1905</p>		<p>02/1887 The General Allotment Act passed</p>						

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1902				06/ 1902 Reclamation Act . An act appropriating receipts from the sale and disposal of public lands in certain States and Territories to construction of irrigation works for reclamation of arid lands. (Act of June 17, 1902, ch. 1093, 32 Stat. 388)						
1904	Joseph Toole 1901-1908			04/1904 Congress passed Flathead Allotment Act						
1905		Albert Galen 1905-1913					U.S. v. Winans 198 U.S. 371 – SCOTUS upheld the tribe’s right, even when "usual and accustomed places" are outside reservation boundaries and owned by non-Indians. The Court noted that the right to fish and access traditional fishing grounds was not a special right granted by the government through the treaty. Rather, the treaty simply acknowledged a right the Indians already possessed and reserved it for their current and future use. The priority date of this right was "time immemorial."			
1907				Agreement between BIA and reclamation that Reclamation service would engineer the project and carry on construction work for Flathead Irrigation Project	Agreement between BIA and reclamation that Reclamation service would engineer the project and carry on construction work for Flathead Irrigation Project					

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1908	Edwin Norris 1908-1913			05/1908, 35 Stat 444 Congress authorizes Secy of Interior to issue fee patents for Indian lands and provides for proceeds of sale to pay for an irrigation system and find monies to buy materials for and to Indians in farming, education, etc			1908 Winters v. U.S., 207 U.S. 564. Created implied reserved water rights necessary to satisfy the purpose of the reservation. Winters rights arise from the act of reserving lands for particular purposes, The priority date is date the reservation established. These rights are exceptions to state control. Under federal Indian law, tribal water rights are held 'in trust' for Tribes by the U.S. Government.			
1914	Sam Steward 1913-1921	DM Kelly 1913-1915 JB Poindexter 1915-1914 SC Ford 1917-1921			A DOI map, dated April, 1914 states that when completed, the FIPP will have 16 reservoirs with aggregate area of 117,556 acres and capacity of 1,949,970 acre-feet, and 896 miles of canals.					
1921	Joseph Dixon 1921-1925	Wellington Rankin 1921-1924		Interior issues Secretarial Water Rights in Mission Valley to owners of Indian allotments who irrigated their lands thru privately constructed ditches. 2 ACF water per acre cultivated.						
1924	John Erickson 1925-1933	LA Foot 1924-1933		Indian Citizenship Act passed by Congress	Project oversight was transferred from Bureau of Reclamation to Bureau of Indian Affairs					
1926				Act of May 29, 1926 44 stat. 453,465 required irrigation districts be formed under Montana Statutes to enter contracts with US for repayment of project construction costs	Act of May 29, 1926 44 stat. 453,465 required irrigation districts to be formed under Montana Statutes to enter contracts with the US for repayment of project construction costs					

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1928				Congress approved plan to build Kerr Dam on tribal lands located on Flathead River.	Flathead irrigation district signs repayment contract with U.S.	Congress approved building of Kerr Dam.				
1930				07/1929-04/1930 Congress holds hearings related to study on Conditions of Indians of the United States, Flathead According to the tribe's timeline, by 1930 most indian allotments owned by non-Indians		05/1930 Flathead Power Development Report 05/1930 Rocky Mtn Power Company Secured license to build Kerr Dam				
1931					Mission district signs repayment contract with U.S.					
1933	Frank Cooney 1933-1935	Ray Nagle 1933-1936		According to CKST,60% of all original allotments owned by non-Indians.						
1934				06/18/1934, 25 USC 461 Indian Reorganization Act restores to tribal ownership remaining surplus lands of any "opened" reservation. Provided valid rights or claims to any existing withdrawn lands on date of the Act not be affected, and that this section shall not apply to lands within any reclamation project authorized on any Reservation."	Jocko irrigation district signs a repayment contract with the U.S.					
1935	Elmer Holt 1935-1937			CSKT was the first tribe to incorporate under Indian Reorganization Act and adopt Tribal Constitution and Corporate Charter.						

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1936		Enor Matson 1936-1937		By order of 02/13/36 the Secy of Interior restored to tribal ownership 192,424 acres of lands on the reservation previously opened to white settlers that remained unsold.		1936-1938 Kerr Dam built				
1937	Roy Ayers 1937-1941			Bonneville Power Admin (BPA) created by Congress to market electric power from the Bonneville Dam on Columbia River and to construct facilities necessary to transmit that power.						
1939		Harrison Freebourn 1937-1941					<p>U.S. v. McIntire, 101 F.2d 650 (9th Cir. 1939) (no title to waters impliedly reserved for Indian reservations can be acquired except as specified by Congress). So McCarran Amendment passed in 1952.</p> <p>U.S. v. Powers 305 U.S. 527 (1939) Supreme Court ruled that when tribal land is converted into allotments, the trust allottees succeed to some portion of tribal waters needed for agriculture.</p>			
1942	Sam Ford 1941-1949	John Bonner 1941-1942 Howard Gullickson 1942 RV Bottombly 1942-1949			11/42 US & Flathead Irrigation Dist v. Alexander 131 F.2d 359 (1942) 9 th Circuit. Suit to enjoin owners of Indian allotments from diverting water thru privately constructed ditches in excess of amounts allocated to them by Secy of Interior in 1921.		11/42 US & Flathead Irrigation District v. Alexander 131 F.2d 359 (1942) 9th Circuit . Suit to enjoin owners of Indian allotments on reservation from diverting water thru privately constructed ditches in excess of amounts allocated to them by Secy of Interior in 1921.			

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1946				07/46 Congress gives US Court of Claims Jurisdiction to Hear CSKT Claims	Walker report completed					
1947				07/47 Congress holds hearings concerning adjustment of repayment contract, and amend other legislation related to FIP	07/47 Congress holds hearings concerning adjustment of repayment contract , amend other legislation related to FIP					
1948		Arnold Olsen 1949-1957		Congress passed act to repay irrigation project costs from net power revenues 63 Stat. 269 and other uses including O&M	Congress act to repay project costs from net power revenues 63 Stat. 269 and other uses including O&M	Congress act to repay project costs from net power revenues 63 Stat. 269 & other uses including O&M				
1950	John Bonner 1949-1953						03/29/50 CSKT Filed Claim w Indian Claims Commission Docket 61			
1951							07/24/51 CSKT Filed Petition with Indian Claims Commission Docket 156 09/24/51 CSKT Filed Petition with the United States Court of Claims Docket 50233			
1952				Congress enacted McCarran Amendment to waive federal sovereign immunity over water rights held by the US to be adjudicated in state courts						
1953	Hugo Aronson 1953-1961			07/53 Hungry Horse Dam completed. 08/53 Public Law 280 adopted by Congress (Eisenhower)						
1954				02/54 Congress Holds Termination Hearings for CSKT						

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1961	Donald Nutter 1961-1962	Forest Anderson 1957-1969		Tribes entered into a Public Law 280 agreement with the state of Montana.						
1963	Tim Babcock 1962-1969						AZ v. CA, 373 U.S. 546. Court found the only feasible method to determine reserved water for reservations is practicably irrigable acreage. Held Winters doctrine applies to all federally reserved public lands.	Montana Legislature passed legislation that allowed the state to assume "280" jurisdiction over tribal members on the Flathead Reservation		
1965							09/65 Indian Claims Commission Docket 61 awards \$4.4 million to CSKT for off reservation lands ceded to the United States	CSKT enacted ordinance defining terms under which tribes agreed to be under PL 280 jurisdiction. MT Governor proclaimed assumption of state jurisdiction over CSKT. CSKT for misdemeanors of its members.		
1967							12/67 US Court of Claims awards CSKT \$190k for expenses for surveys and classification of tribal lands disposed of under 1904 act as breach of treaty			
1969	Forest Anderson 1969-1973	Robert Woodahl 1969-1977					08/69 Indian Claims Comm. Docket 156 dismissed because duplicate case in U.S. Court of Claims Docket 50233			
1971							03/71 US Court of Claims awarded CSKT \$6.0 million for general accounting of tribal property 04/71 US Court of Claims awarded CSKT \$22.4 million for ceded lands (includes interest) 11/71 US Court of Claims awarded CSKT \$552k for erroneous surveys of reservation boundaries.			

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1972				10/72 Clean Water Act passed establishing goals of eliminating additional water pollution by 1985. Major amendments enacted in 1977 Clean Water and 1987 Water Quality Acts.				Montana Constitution ratified affirming all existing uses of water. Article IX —state owns all the water for the beneficial use of its citizens.		
1973	1973-1981 Thomas Lee Judge (D) Governor						08/73 CSKT file suit against Namen's. 1970's-1990's Namen I and II determine tribes own the banks and bed of south 1/2 of Flathead Lake. Cert denied in US Supreme Court	Montana Water Use Act passed in legislature, establishing permitting and tracking process		
1974							U.S. v. Washington, 384 F. Supp. 312 (W.D. Wash. 1974), aff'd, 520 F.2d 676 (9th Cir. 1975) Judge Boldt issues ruling reaffirming rights of WA Indian tribes to fish in accustomed places. The "Boldt Decision" allocated 50% of the annual catch to treaty tribes.			
1975				01/75 The Indian Self-Determination and Education Assistance Act (Public Law 93-638) authorized the Secy of Interior and agencies to enter into contracts with, and make grants directly to, federally recognized tribes.			03/75 392 F. Supp 1325 CSKT v MT Department of Revenue – CSKT won judgment concerning assessment and collection of personal property tax			
1976							Colorado River Water Conservation Dist v. US. U.S. Supreme Court holds McCarran Amendment (43 U.S.C. 666) Applies to Indian Reserved Water Rights			
1977		1977-1989 Mike Greely (D)						07/77 CSKT Enacted Shoreline Protection Ordinance 64A		

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1978		1978-1989 Chris Tweeten Associate Attorney General					<p>03/78 Oliphant v. Suquamish Indian Tribe, 435 U.S. 191 (1978)[1] is a United States Supreme Court case regarding the criminal jurisdiction of Tribal courts over non-Indians.</p> <p>U.S. v. New Mexico, 438 U.S. 696 (1978), Court denied USFS instream flow claim for fish, wildlife and recreation on grounds that forest reserved water rights under 1897 Organic Act are limited to minimum amount necessary to satisfy the primary purpose – conservation of water flows and timber production only.</p>			
1979		Compact Commission created	05/79 MRWRCC created by Montana Legislature	08/79 Congress holds hearings in Ronan Montana concerning US lawsuit – oversight on litigation involving water rights in Montana			<p>04/79 US v. Abell, CIV-79-33-M US brought suit in the MT US Dist. Court for final determination of Tribes' water rights claims.</p> <p>Washington v. Washington State Commercial Passenger Fishing Vessel Ass'n 443 U.S. 658 (1979), SCOTUS held that tribal fishing rights under treaties reserving tribes' "right to take fish [off reservation] at all usual and accustomed grounds" entitle tribes to "take a fair share of the available fish."</p>	05/79 Reserved Water Rights Compact Commission created to provide for equitable division of waters between state and federal reserved water rights including tribes		
1980								CSKT Negotiations begin and stop 06/1980 first CSKT Negotiation Session held		

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1981	1981-1989 Ted Schwinden (D) Governor				FJBC created to accomplish the "turnover" of the project from BIA to the owners of the lands served by the project.		<p>Montana v. U.S., 450 U.S. 544 (1981) SCOTUS held Tribe may only regulate on-reservation activity on non-Indian land w/in reservation if (1) non-members enter into consensual relationships with tribe; or (2) non-member conduct "threatens or effects tribes political integrity, economic security, or health or welfare".</p> <p>1981 Colville Confederated Tribes v. Walton, 647 F.2d42 (9th Cir. 1981) Colville I - cert denied, 454 U.S. 1092 (1981), modified, 752 F.2d 397 (9th Cir. 1985) (Walton II), cert. denied 475 U.S. 1986. Non-Indian successors to Indian allotments are entitled to share in the Winters rights held by Tribes.</p> <p>10/81 CSKT v Montana 81-149 M CSKT sued the state of Montana in an attempt to stop the state from adjudicating the tribes water rights as per the McCarran amendment</p>			
1982			Compact commission extended to 1985					Compact commission extended to 1985		
1983							<p>U.S. v. Adair, 723 F.2d 1394, 1411 (9th Cir. 1983) Adair 1: U.S. District Court confirmed to Klamath Tribes "a quantity of water flowing through the reservation for the purposes of supporting agriculture and for the purpose of maintaining Tribe's treaty right to hunt and fish on reservation lands."</p>			

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1984							U.S. v. Adair, 723 F.2d 1394 (9th Cir. 1984) (Adair II). 9 th Circuit: Indians entitled to as much water on Reservation lands as needed to protect their hunting and fishing rights. If preservation of rights requires marsh be maintained as wetlands and forest be maintained on a sustained-yield basis, Indians are entitled to whatever water is necessary to achieve those results.			
1985			Chris Tweeten became member of MRWRCC 1985-2009 John Tubbs worked for DNRC	Tribes pass ALCO for waterway protection regulations	1985 Comprehensive Report paved the way for the CSKT to be awarded a 638 contract to manage the Mission Valley Power Division of Flathead Irrigation and Power Project Vol 1 of 3 Vol 2 of 3 08/85 CSKT v. FIPP 616 F. Supp. 1292 CSKT wins time immemorial instream flows on the Flathead Irrigation Project	New license for Kerr was issued, and CSKT became a co-licensee with the Montana Power Company and \$9 million annual payment to CSKT established	State ex rel. Greely v. Water Court ("Greely I"), 214 Mont. 143, 157-160, 691 P.2d 833 (1985). MT Supreme Court held state constitution does not preclude jurisdiction for adjudication of Indian reserved water rights. MT Water Use Act facially adequate for adjudication of Indian and federal reserved water rights. State ex rel. Greely v. CSKT 712P.2d 754, 764. (Greely II) MT Supreme Court held that state-created water rights are defined and governed by state law and Indian reserved water rights are created or recognized by federal treaty, statutes or executive order, and governed by federal law."		09/11 Negotiating Session	
1986					FJBC initiates litigation against U.S. to require turnover of the project. It was voluntarily dismissed after DOI promised they would start turnover discussions.					CSKT enacted Ordinance 44D asserting exclusive civil jurisdiction over all hunting, fishing, and trapping on the Reservation. Approved by the SOI and implemented in 1987. Following implementation, the

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1986 cont										Tribes and the State negotiated agreement to facilitate the regulation of hunting and fishing within the Reservation by non-Tribal members. The purpose of proposed agreement was to provide for unitary management and regulation of the fishery and wildlife resources.
1987			Compact commission extended to 1993		FJBC v U.S and CSKT 832 F.2d 1127 (9 th Cir 1987) cert denied. Held that BIA properly exercised its duty by giving CSKT time immemorial fishing right precedence over irrigation water rights.			Compact commission extended to 1993		
1988					11/86 FJBC v. U.S. CV86-216-M-CCL Sought to nullify the 638 Contract of MVP. Filed in 1986 the U.S. district court in Helena dismissed on standing			Tribal Ordinance 44D—state allows tribal hunting and fishing jurisdiction over non-Indians on the reservation		
1989	1989-1993 Stan Stevens (R)	1989-1993 Marc Racicot (R)	Karen Fagg served as DNRC director 1989-1992		11/89 JBC and CSKT started "discussions" of general water issues. FJBC v U.S. CV 86-217-M-CCL. seeking mandamus for immediate turnover of FIPP. FJBC voluntarily dismissed.					
1990				07/90 Congress holds hearings on turnover of project to irrigators	05/90 Tribe suspends discussions on water issues. 07/90 Congress holds hearings on turnover of project to irrigators				CSKT Negotiations start and end 05/90 Tribe suspends discussions on water issues.	
1991			Susan Cottingham Staff Director MRWRCC 1991-2011	In 1991, Fisheries Mitigation Plan for Losses Attributable to Construction and Operation of Hungry Horse Dam prepared by MTFWP and CSKT.	In 1991 irrigators demanded that O&M payments be withheld until discussions over turnover occurred.					

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1992					02/92 Secy of Interior agreed to begin negotiations on turnover.					
1993	1993-2001 Marc Racicot (R)	1993-2001 Joseph Mazurek (D) 01/93-12/10 Chris Tweeten Chief Counsel MT AG	Tweeten appointed to MRWRCC by Atty General Compact commission extended to 1999				Middlemist v. United States Department of Interior. The Joint Board of Control and two individuals filed action against the DOI and the CSJT alleging the Tribes have no authority to exercise regulatory jurisdiction over activities of nonmembers on the Flathead Reservation on "fee" lands.	In 1993, at request of CSKT, MT Legislature enacted Senate Bill 368 allowing for partial retrocession from P.L. 280. (Misdemeanor cases handled by CSKT) Compact commission extended to 1999 Gov Marc Racicot issued proclamation affirming the govt to govt relationship between the tribes and state		
1994							Middlemist v. Secretary of U.S. Dep't of Interior, 824 F.2d 940 (D. Mont. 1993), affd, 19 F.3d 1318 (9th Cir.), cert. denied, 115 S. Ct. 420 (1994). Non-Indian reservation landowners challenged the tribes' regulation of dredging and filling activities on the reservation based on several constitutional grounds, including the right to vote and hold office in the government under which they live, the right to sit on a jury, the right to be judged by a jury of their peers, and the right to a jury trial in a civil matter. The trial court in Middlemist did not address these concerns; instead, it dismissed case based on requirement of exhaustion of tribal remedies.			
1995				03/95 CSKT granted treatment as state (TAS) related to Clean Water Act						

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1996				BPA's Tribal Policy began with extensive involvement from Columbia River Basin Tribes. In 1996, federal gov't allowed CSKT to assume mgt of the Land Transfer Records Office within the boundaries of the reservation			Ciotti I: Application for Beneficial Water Use Permit Ciotti (related to CSKT)– MT Supreme Court ruled state could not issue water permits w/in reservation boundaries until CSKT's federal reserved water rights are quantified			
1997						Marc Racicot and Fred Thomas led Montana into energy deregulation, resulting in destruction of Montana Power Co		Marc Racicot and Fred Thomas led MT into energy deregulation, resulting in destruction of Montana Power Co at great cost to state.		
1998					145F.3d 1341 (9 th circuit) RICO suit brought by CSKT & individual tribal members against Alan Mikkelsen, Charles Stipe, Walter Schock, Roger Detert. for use of admin fees for improper lobbying and litigation is dismissed.		145F.3d 1341 (9 th circuit) RICO suit brought by CSKT & individual tribal members against Alan Mikkelsen, Charles Stipe, Walter Schock, Roger Detert. for use of admin fees for improper lobbying and litigation is dismissed. 11/98 Atlantic Richfield (ARCO) agreed to pay CSKT \$18.3 M to restore, replace, or acquire equivalent of Tribal treaty- protected resources injured by release hazardous substances in Clark Fork River by mining in Butte, Anaconda. CSKT to spend \$6.4M in wetlands restoration, and \$1.5M to restore bull trout. Balance compensation for damage from mining.	11/98 Racicot Admin signs memorandum of agreement with CSKT related to "resources in the Clark Fork River Basin."		
1999			Compact commission extended to 2005			PPL Montana acquired Kerr dam from Montana Power Co. when Montana Power Co. sold all of its generating assets upon deregulation of power industry in the state.	CSKT v. Clinch—Ciotti II - MT Supreme Ct reiterated that impossible for State to decide whether water is legally available on reservation until CSKT water rights are quantified.	Compact commission extended to 2005		

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2000									CSKT Compact negotiations resume 05/03 Negotiating Session, Polson 08/23 Technical Team Meeting 09/07 Technical Team Meeting 09/13 Negotiating Session, Helena	09/13 Tribes propose: The Tribe's would recognize and protect current verifiable uses, claims, permits and certificates in the Tribal Water Code based on two assumptions. Number one, all on-reservation waters will remain Tribal and number two, the Code would recognize prior appropriation. Secondly, the provisions of the water code would be the subject of negotiation.
2001	2001-2005 Judy Martz (R)	2001-2009 Mike McGrath D)							<p>06/01 CSKT submits proposal to state: suggesting a different approach from all other compacts 1) all water on and under Reservation is owned in trust for CSKT 2) Establish one water administration system. 3) off-reservation aboriginal water rights. This document reflects the contents of the compact we have today.</p> 11//01 Meet with Lake Co Conservation District 11/07 Meet with Eastern Sanders Co Conservation District 11/08 Meet with Lake Co Commissioners 12/10 Conference Call 12/17 Meeting with Flathead Basin Comm 12/18 Meet w Kalispell Realtors	06/01 CSKT submits proposal to state: 1) all water on and under Reservation is owned in trust for CSKT 2) Establish one water administration system. 3) off-reservation aboriginal water rights
2002							CSKT v. Stults—MT Supreme Court again ruled DNRC is prohibited from issuing water permits until CSKT water rights quantified. Ciotti III		01/07 Conference Call 02/07 Negotiation Session, Missoula 06/17 Negotiation Session, Polson	

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2002 cont							<p>U.S. v. Adair (Adair III), 187 F. Supp. 2d 1273, 1274 Court held tribes have a right to an allocation of water sufficient to fulfill purpose of reservation, and must include enough water to support productive habitat for fish.</p> <p>06/02 U.S. v. State, 51 P.3d 1110 (Idaho 2002) ID Supreme Court. Judge Wood ruled while Nez Perce Treaty guaranteed the "right of taking fish at all usual & accustomed places in common with citizens of the territory," didn't guarantee there would be fish, allotment diminished Tribe's sovereignty over its own reservation. Nez Perce do not have instream flow rights extending outside reservation boundaries</p> <p>59 P.3d 1093 2002 MT 280 CSKT, State of Montana, Petitioners, v. DNRC, Reginald C. Lang – CSKT stopped Lang from getting water use permit to commercially bottle water on land located north of Hot Springs. CSKT objected on basis that DNRC did not have the jurisdiction to issue water use permits on the Reservation</p>		<p>07/17 Negotiation Session, Polson</p> <p>11/20 Meeting with Realtor Assn</p> <p>11/21 Charlo Water Dist Meeting</p> <p>12/18 Negotiating Session, Polson</p>	
2003							<p>U.S. v. Braren, 338 F.3d 971 (9th Cir. 2003) ("Adair IV") 9th Circuit vacated Adair III on the grounds that the Water Dept's interpretation of federal standard was not ripe for judicial review.</p>		<p>03/19 Conference Call</p> <p>06/25 IA Meeting</p> <p>06/26 Atty General office meeting with Concerned Public</p>	

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2004		04/04 Jay Weiner hired as Asst AG /Staff Atty, MRWCC	04/04 Jay Weiner hired as Asst AG /Staff Atty, MRWCC		Costs of construction for project are paid off by irrigators in 2003-2004 timeframe				04/21 IA Meeting, Arlee 05/04 IA Meeting, Polson 06/03 IA Meeting, 08/04 IA Meeting, Billings 09/02 Conference Call 09/07 Conference Call 10/18 Conference Call Claims Examination 11/19 Conference Call 12/16 Open House IA Polson	
2005	01/05-01/13 Brian Schweitzer (D)		Compact commission extended to 2009					Compact commission extended to 2009	Interim agreement abandoned and parties agree to work on complete settlement 01/13 Open House IA Kalispell 01/14 Open House IA Polson and Arlee 05/12 Meeting w CSKT Council	
2006			Mary Sexton DNRC director 2006-2013 (Schweitzer)						Protocol for the tribe sharing technical information with the state developed 01/11 Technical Team Meeting	
2007					12/07 DOI denies request by the CSKT to manage FIP under a 638 contract , stating that the project is not solely for the benefit of Indians, but for the benefit of Indians and non-Indians alike.				CSKT submits proposal: 1) Unitary mgt of all water rights on Reservation 2) Water in the Federal Irrigation Project is Tribes' water right 3) Compact to include Off reservation aboriginal water rights 07/11 Negotiating Session, Pablo 10/03 Negotiating Session, Missoula 12/17 Negotiation Session, Missoula	CSKT submits proposal: 1) Unitary mgt of all water rights on Reservation 2) Water in the Federal Irrigation Project is Tribes' water right 3) Compact to include Off reservation aboriginal water rights 10/03 State Claims it has not committed to Unitary Mgt

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2008									01/08 John Tubbs letter to compact commission defining compact parameters, no off reservation, restrictions on Unitary Management 02/08 Negotiation Session, Pablo 03/12 Negotiation Session, Pablo 04/30 Negotiation Session, Pablo 05/28 Negotiation Session, KwaTakNuk 06/25 Negotiation Session, KwaTakNuk 07/30 Negotiation Session, Arlee 08/27 Negotiation Session, KwaTakNuk 09/25 Negotiation Session, Pablo 10/22 Negotiation Session, KwaTakNuk 11/19 Negotiation session, Pablo 12/17 Negotiation Session, KwaTakNuk 09/23/08 State "negotiation documents include revised draft CSKT ordinance that includes Unitary Mgt	01/08 John Tubbs letter to compact commission defining compact parameters, no off reservation, restrictions on Unitary Management 02/08 Tribe presents Unitary Mgt Proposal, Five member board (2 tribal, 2 governor and 1 federal) and the tribe will acknowledge existing uses (this is the Grand Bargain). Tribes willing to wait to deal with priority dates, high value rights and aboriginal rights so people can continue with existing uses Tweeten says state will consider and respond within month. 03/08 Mecham says US has no experience with Unitary Mgt and needs to work through details before fully committing. Tweeten said state not sure if it is workable. Not done anywhere in country so state would be breaking new ground. Maybe in April Sideboards could be developed.
2009		2009-2013 Steve Bullock (D)	Compact commission extended to 2013	06/09 John Tubbs appointed by Obama to serve as a deputy assistant secretary of the DOI for water and science.				Compact commission extended to 2013	01/28 Negotiation Session, Helena 03/18 Negotiation Session, Pablo 04/29 Negotiation Session, KwaTakNuk 05/27 Negotiation Session, KwaTakNuk 06/23 Negotiation session, KwaTakNuk 07/22 Negotiation Session, KwaTakNuk 09/30 Negotiation Session, KwaTakNuk	

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2009 cont									11/03 Negotiation Session, MOU 12/09 Negotiation Session, KwaTakNuk	
2010			Bill Schultz takes over as Program Manager to replace Susan Cottingham.	11/10 Cobell Claims Resolution Settlement approved by Congress for a class action lawsuit filed by Elouise Cobell of Browning, over mismanaged trust money held by gov't for individual Indian landowners. \$3.4B settlement includes \$1.9B Trust Land Consolidation fund and \$1.5 billion direct payments to tribal members.	04/10 Cooperative Management Entity created for the purpose of project management. Board consisted of 4 tribal appointments and 4 FJBC appointments.	05/10 Northwestern Energy quitclaim deeded water rights on Flathead River for 2 additional dams at Buffalo Rapids #2 and #4. Claim numbers 76L 94412 00 and 76L 94413 00		10/10 Bill Shultz of Compact Commission discusses Unitary Management on the reservation at a Clark Fork Basin Taskforce (CFBT) meeting.	07/10 Tribe Submits a settlement (financial etc) proposal to state pertaining to damages. This likely is included in the Daines MWRPA.	10/10 Bill Shultz discusses Unitary Mgt on the reservation at a Clark Fork Basin Taskforce (CFBT) meeting.
2011			Bill Schultz takes over as Program Manager to replace Susan Cottingham					08/11 Clark Fork Basin Taskforce minutes show discussion of Unitary Mgt and quantification of CSKT claims. 08/11 CFBT Meeting continued Concerning quantification of the tribes water rights Jay Weiner says "This is a complicated issue. If the reserved right is quantified numerically (either by volume or flow rate), it will likely be larger than the available supply. The Compact Commission will seek sideboards on the use of the reserved right to protect existing water users." 09/11 Tweeten confirms at CFBT meeting that the state offered to make an off reservation proposal to the tribes and they agreed with that approach	02/11 State submits off reservation instream flow 06/11 state proposal for off reservation claims formally on DNRC website	06/11 state proposal discusses Unitary Management and

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2012				<p>09/12 \$75M of Salizar settlement funds distributed to CSKT tribal members. Part of a \$1B settlement of suit filed by Nez Perce being paid out to 44 tribes across nation for mismanaged assets and natural resources held in trust by government for the tribes.</p>	<p>05/12 FJBC unveils Water Use Agreement that proposes to force irrigator relinquishment of their water rights to the tribes in exchange for project "improvements" and a 40-70% reduction of water deliveries</p> <p>11/12 WMWUA files Water Use Agreement lawsuit</p>	<p>02/12 USDOJ approves Energy Keeper's Corporate Charter. EKI is a Tribally-owned corporation with which CSKT has delegated authority and responsibility to manage, operate and maintain the (formerly Kerr) Séliš Ksanka Qlispé Project on behalf of CSKT.</p>		<p>08/12 CSKT Tribal Council Minutes report Teresa Wall McDonald, Mary Sexton and Lesa Evers, Gov office, and others discussed the Milk River property. A lengthy discussion ensued</p> <p>09/12 CSKT Tribal Council Minutes report Teresa Wall McDonald Michael Durglo Sr. and Francis Auld, discussed a letter addressed to Governor Schweitzer regarding the Milk River property. CSKT believe they have vested interest in protecting the cultural resources on that property.</p> <p>10/12 Chas Vincent approaches CSKT for meeting about the water compact.</p> <p>11/12 State Land board approves purchase of Milk River Ranch. Two state agencies purchased 4,500-acre ranch N of Havre for \$6 M. Will be managed by MFWP for hunting and fishing, and DNRC to generate money for schools.</p>	<p>05/12 CSKT respond to state's "off reservation" proposal stating they will not accept any risks associated with off reservation claims</p> <p>05/12 Irrigator Water Use Agreement introduced</p> <p>10/12 Public review compact documents posted to compact commission website</p> <p>11/12 Revised Compact submitted</p> <p>Nov-Dec 2012 Series of public meetings held</p> <p>10/12 Chas Vincent approaches CSKT for meeting about the water compact.</p> <p>11/12 Revised Compact included Tobacco River and Young Creek. The 02/13 compact excluded these creeks and picked up 4 new waterways on USFS land</p>	<p>08/12 at Helena Compact Commission meeting, Chris Tweeten discusses the Grand Bargain</p>
2013	2013-2020 Steve Bullock (D)	2013-2020 Tim Fox (R)	<p>01/13 John Tubbs appointed DNRC Director by Gov Bullock</p> <p>Bill Schultz retires as Program Mgr for Compact Commission and Arne Wick takes his place.</p> <p>Bullock vetoes bill to</p>	<p>02/13 DV 12-3214 McNeil Decision—Water use agreement held to be an unconstitutional taking w/o compensation. Commission is forced to submit the compact to legislature without it.</p> <p>05/13 Elections result in compact opponents gaining a majoring of seats on FJBC.</p> <p>12/13 Mission and Jocko district commissioners collapse FJBC in effort to approve Water Use</p>	<p>In 2013, the annual land use payment by Kerr dam to the CSKT was approximately \$19 million.</p>	<p>04/13 DA 13-0154 MT Supreme Court rules on WMWUA lawsuit concerning the water use agreement stating the District Court improperly granted injunction on grounds not requested by the Water Users and not briefed or argued before the Court.</p> <p>04/13 Alan Mikkelsen files a complaint with Commissioner of Political Practices against the Western Montana Water</p>	<p>Early 2013 Chas Vincent does analysis showing no need for MEPA analysis of Compact</p> <p>03/13 Vincent admits he will support keeping compact alive thru Salomon or Jackson's bill</p> <p>04/13 Compact bill fails in House Judiciary. An attempt to blast to House floor also fails.</p> <p>04/13 Salomon bill to give compact fast track to 2015 fails in House</p>	<p>02/13 DV 12-3214 McNeil Decision—Water use agreement ruled unconstitutional taking w/o compensation.</p> <p>02/13 Commission forced to submit compact to legislature without this agreement included.</p> <p>04/13 Compact fails in the 2013 legislature, however Bullock uses an amendatory veto to keep the compact alive so it can be "renegotiated"</p>		

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2013 cont			extend the compact commission.		Agreement against will of irrigators.		Users LLC in an attempt to influence FJBC elections 06/13 Alan Mikkelsen COPP complaint is dismissed	appropriations committee. 05/13 Bullock vetoes SB265 to extend compact commission, and keeps compact alive by opening "renegotiations." 06/13 Jonathan Motl appointed as Comm of Political Practice 06/13 Ravalli County issues letter of Opposition to CSKT compact. 09/13 Mineral County issues letter of Opposition to CSKT water compact 09/13 Powell County issues letter of Opposition to CSKT compact 10/13 Granite County issues letter of opposition to CSKT compact	12/13 Governor Bullock issues a Report on the Flathead Compact to keep it alive and to open it up for "re-negotiations."	
2014				CSKT one of the first to benefit from the Cobell Land Buyback program, In 2014 and 2015, the federal government purchased \$10.3 million worth of land on the Flathead Reservation. A DOI 2016 Status Report shows \$15.2 M so far offered on behalf of CSKT for this program, \$10M in offers "accepted".	03/14 BIA unilaterally takes over management of Project because of collapse of FJBC / CME 04/14 Flathead Irrigation District files for injunction related to project takeover by BIA. 05/14 Mission District successfully recalls 2 of the rogue commissioners who intentionally collapsed the FJBC in a failed attempt to approve the water use agreement. 05/14 FJBC reconstituted 06/14 Compact negotiations re-opened, and state proposes to work around FJBC to determine a water use agreement to "protect irrigators". The resulting agreement is unchanged from the original		02/14 CV 14-44-M-DLC CSKT v Everyone Lawsuit files federal suit to circumvent MT water court and 20th district court asking for declaration of ownership of irrigation water rights by the CSKT. Suit also claims CSKT own all water on the reservation and that all land remains in aboriginal title.	After AG Tim Fox elected, 50 state employees visited Pablo for training on tribe's history, perspective culture, legal setup and history of past agreements 01/14 Vincent encouraging other state senators to make their own deal with the CSKT on the water compact. 01/15 Lake County issues letter of support for CSKT compact 03/14 Vincent successful in getting EQC to punt water compact to his control in WPIC. 05/14 Memo by Ballance and Regier emphasizing that their questions were not answered by WPIC "studies"	06/14 Compact "renegotiation" re-opened. 09/03/14 At first "renegotiation" session Chris Tweeten assures tribal attorneys that the abstracts and water awarded in the compact will not change. 11/14 CSKT allocate additional \$1.2M for Rehberg's Mercury LLC lobbying group. 12/11/14 Governor issues press release that he and AG have solved the major problems in the compact, and applaud "agreement".	

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2014 cont					agreement except the state will not "compel" irrigators to relinquish their water rights to the tribe. Instead they give bare legal title to 100% of project water to the tribe.			<p>05/14 CSKT Donate \$22k to Bruce Tutvedt PAC Republicans for Responsible Govt</p> <p>06/14 Bruce Tutvedt (R) and Sandy Welch visit CSKT to thank them for the donation. Tutvedt explains that he and Dan Salomon (R) have a plan to "take care of the 60 vote problem in the House."</p> <p>Summer 2014 WPIC Technical Working Group meets to discuss Tribe's modeling</p> <p>06/14 Tribe hires Mercury LLC, Rehberg's lobbyist firm to "advertise the CSKT compact." Attorney Mark Baker "of counsel" for Mercury is also a business partner with Corey Swanson of AG's office, a vocal "proponent" of the compact.</p> <p>07/14 CSKT Chair sends letter to Vincent asking for a private meeting with him to "preview" Vincent's findings and the 2015 legislative session</p> <p>10/14 As chair of WPIC, Vincent makes series of recommendations to "improve the compact"</p>		
2015					<p>04/15 FJBC files lawsuit on constitutionality of the water compact vote</p> <p>05/15 FJBC intervenes in Kerr Dam licensing action over Low Cost Block of Power for the project</p> <p>08/15 FJBC turnover suit is dismissed due to standing of court.</p>	<p>05/15 FJBC intervenes in Kerr Dam licensing action over Low Cost Block of Power for the project</p> <p>09/15 CSKT take over Kerr Dam</p> <p>10/15 FERC acknowledges receipt of 02/16 incident report regarding the bearing failure at Kerr. Failure caused by coolant</p>	<p>04/15 FJBC files lawsuit on constitutionality of the water compact vote 9:14-cv-00088-DLC</p> <p>05/15 CV 14-44-M-DLC CSKT v Everyone lawsuit dismissed w/o prejudice</p> <p>06/15 CSKT and United States file 10,000 claims</p>	<p>01/15 Flathead County issues letter of opposition to CSKT water compact</p> <p>01/15 Sanders County issues letter of opposition to CSKT compact</p> <p>01/15 Lincoln County central committee issues letter of opposition to CSKT compact</p>	<p>01/07/15 New Compact Document released without appendices</p> <p>01/10/15 Some abstracts released shortly before Ronan public meetings</p> <p>01/10-01/11/15 Public meetings held in Ronan and Kalispell</p>	

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2015 cont					<p>FJBC turnover suit appealed to 9th Circuit court and board agreed to enter arbitration process.</p> <p>10/15 FJBC and other parties begin Settlement Hearing discussions and testimony with FERC concerning the Low Cost Block of Power for the project</p>	<p>water inadvertently being shut off and bearings having small band of safe operating temperatures.</p> <p>10/15 FJBC and other parties begin Settlement Hearing discussions and testimony concerning the Low Cost Block of Power for the project</p>	<p>covering 2/3 of the state of Montana</p> <p>06/15 Water Court issues order setting status conference and hearing to move forward with claims examination in Basins in 76L and 76LJ.</p> <p>06/15 Compacting parties petition the court to place an adjudicative stay on basins 76L and 76LJ as well as the 10,000 claims</p> <p>07/15 MT water court issues stay on examination of tribe's water rights until 01/31/2017</p>	<p>01/15 EJ Redding conveys that Vincent is reviewing new compact and if it has the 21 revisions he wants, he will carry the bill.</p> <p>02/15 Revised Compact Introduced into legislature</p> <p>03-04/15 Rules Changed in Legislature to allow SB 262 to be blasted to the floor and ratify compact with a simple majority vote.</p> <p>04/15 Jayson Peters files lobbying complaint re: CSKT with Commission of Political Practice</p> <p>05/15 CSKT responds to Peters complaint</p> <p>06/15 Threlkeld and Morris also file a lobbying complaint with COPP re: CSKT and FARM</p> <p>09/15 Governor Bullock provides \$3M out of his budget for compact implementation.</p>	<p>01/12/15 Compact Commission releases revised compact 2:30 p.m.</p> <p>01/12/15 Compact Commission votes to move compact to legislature 7:00 p.m.</p> <p>01/14/15 Revisions of 9 Compact Appendices remain incomplete / unfinished</p> <p>01/15 Farmers and Ranchers for Montana (FARM) files with MT Secy of State. Officers include: Vicky Vadlamari, senior VP of Mercury LLC. Walt Sales, Shelby Demars (Montana Group) and Lorents Grosfield, former legislator and compact commission member. Other FARM associates include Karen Fagg, former DNRC director and owner of HKM / Dowl, the engineering firm that worked on federal and CSKT "science" behind compact. FARM represented by a VA law firm that specializes in PAC and lobbying.</p> <p>02/15 Revised Compact Introduced into legislature</p> <p>04/2015 Compact ratified in the Montana legislature</p> <p>09/15 Governor Bullock provides \$3M out of his budget for compact implementation.</p> <p>12/03/15 first Compact Implementation Technical Team (CITT) meeting - 5 hours not recorded due to "technical glitch."</p>	

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	Governor	Attorney General	DNRC / Com Com								
2016		08/16 AG Tim Fox "adopted" into the Crow Tribe		06/16 Jon Tester introduces S3013 in US Senate. It expands the compact and includes \$2.4B federal contribution. The bill says: "No portion of Fund shall be distributed on a per capita basis to any member of the Tribes." Also provides for CSKT mgt of FIP, and exempts state financial contribution to the compact from federal oversight.	<p>Early in 2016, Lake County attorney "reinterprets the Montana election statutes related to JBC elections and changes election guidelines without adequate or proper notification to the board. 30% of irrigators do not receive ballots.</p> <p>04/16 FJBC cancels the election after it becomes aware of compromised mailing of ballots to landowners.</p> <p>05/16 Lake County moves forward with commissioner elections in spite of FJBC cancellation.</p> <p>05/16 Mission Valley Irrigators United sues FJBC stating that FJBC was illegally reformed after its 2013 collapse and to force the board to accept the results of the 05/16 election.</p> <p>06/16 CSKT Water Compact Bill introduced into US Senate. Gives CSKT mgt of the FIP.</p> <p>07/16 Manley rules compact vote unconstitutional but fails to void compact, instead proposes to sever immunity language in the compact.</p> <p>07/16 Lake County sues FJBC and Mission Valley Irrigators United concerning 2015 commissioner elections</p> <p>09/16 FJBC files appeal in FJBC v Montana lawsuit on the water compact vote in the legislature.</p>	06/16 S3013 CSKT water compact bill is introduced in senate gives CSKT "exclusive right" to develop hydropower on the reservation.	<p>05/16 Mission Valley Irrigators United sue FJBC stating that FJBC was illegally reformed after its 2013 collapse and to force the board to accept the results of the 05/16 election.</p> <p>07/16 Manley Decision— rules compact vote unconstitutional but fails to vote the compact, instead opens the door for severing immunity language in the compact.</p> <p>07/16 Lake County sues FJBC and Mission Valley Irrigators United concerning 2015 commissioner elections</p> <p>09/16 FJBC files appeal in FJBC v Montana lawsuit on the water compact vote in the legislature.</p> <p>09/16 MT water court extends stay on examination of CSKT water claims until 07/01/2018</p>	<p>01/16 John Carter attends WPIC and suggests that the legislature intervene with water court to extend the stay on examination of CSKT claims.</p> <p>03/16 CSKT files objection to Creston Bottled Water Plant application citing "CSKT own numerous senior water rights that may be adversely affected as a result of the proposed use, citing ADVERSE AFFECT & LEGAL AVAILABILITY.</p> <p>04/2016 State Land Board meeting held at CSKT tribal headquarters</p> <p>When Apr 20, 2016 from 09:30 AM to 10:30 AM</p> <p>Where CSKT Tribal Council Headquarters, 42487 Complex Blvd., Pablo MT 59855</p> <p>Contact Julie Hendrickson Phone (406) 444-0505</p>	03/15/16 CITT meetings begin. The Compact Implementation Technical Team (CITT) is the entity established by the Confederated Salish and Kootenai Tribes (CSKT)-Montana Compact (Compact) to plan and advise the Project Operator on the implementation of the Flathead Indian Irrigation Project (FIIP) Operational Improvements, Rehabilitation and Betterment, and Adaptive Management	06/16 Jon Tester introduces S3013 in US Senate. It expands the compact and includes \$2.4B federal contribution.	

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	Governor	Attorney General	DNRC / Com Com							
2017				<p>05/17 MLWA sends letter to Secretary Zinke concerning his appointment of Alan Mikkelson as Deputy Commissioner of the Department of the Interior's Bureau of Reclamation</p> <p>07/17 CCWM introduces Funding our own Demise, looking at federal funding of Indian Tribes in Montana</p>			<p>11/17 Montana Supreme Court Rules on FJBC v Montana lawsuit related to the vote in the Montana legislature as it pertains to immunity provisions in the compact.</p>			
2018							<p>06/16 MT Water Court extends stay on basins 76L and 76LJ and 10000 claims until 1/10/2020</p>		<p>11/18 Concerned Citizens of western Montana and Montana Land and Water Alliance introduce the People's Compact as a viable alternative to the Flathead Compact. It provided a proper settlement and quantification of the federal reserved water rights for the Flathead Reservation. It was presented to Daines whose staff buried it.</p>	
2019				<p>12/19 Daines introduces S3019 the Montana Water Rights Protection Act into Congress</p>	<p>05/19 Mission and Jocko districts submit a request for an audit the Power and Irrigation districts of the Flathead Irrigation Project based upon evidence that the tribe was using project money for non-Irrigation uses. The request was ignored.</p>		<p>12/19 Water Court issues its 4th stay on basins 76L and 76LJ and 10000 claims until 01/10/23</p>			
2020				<p>06/20 Congressional hearing held on S3019</p> <p>12/20 Congress ratified S3019 buried within HR133 Consolidated Appropriations Act of 2021 (page 1829 of 2123) It became law on 12/27/2020</p>					<p>12/20 Congress ratifies compact via HR133</p> <p>12/20 CSKT Ratify the Compact</p>	

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2021	Greg Gianforte	Austin Knudsen	01/21 Gianforte appoints Amanda Kaster DNRC director						09/21 Secretary of the Interior Haaland approved the compact, making it effective.	
2022						06/22 Daines and Gianforte and the tribes announce a deal to build a crypto currency data center on the reservation.	06/22 Water Court sends notice of entry of CSKT Compact Preliminary Decree requiring objections by 12/09/22 12/22 Water Court extends stay to 2/9/23			01/22 UMB holds first meeting 01/22 Registration of Allottee and tribal member water rights begins
2023						05/23 Daines pushes legislation to boost Dam licensing efficiency. S1521 06/23 Summer marks low lake levels and early shutdown of Flathead Project Irrigation Water	02/23 Montana Water Court issues its 5 th stay on basins 76L and 76LJ and 10,000 claims until 09/29/23 09/23 Montana Water Court issues its 6 th stay on basins 76LJ until 01/24/24 and 76L until 05/9/24			